

Canby Planning Commission  
Regular Meeting  
June 28, 1978

Members Present: Chairman Ross, Commissioners Cibula, Kahut, Shaw, Cutsforth, Edgerton and Hulbert.

Others Present: City Attorney Roger Reif, Public Works Director Ken Ferguson, Planning Consultant Rod Shoemaker, Dick Morse, Robert Hill, Hugh Harper, Pete Kelley, Tom Tye, Andy DiTamaso, Lyle Reed, Norse Hart, Marvin Dack, Jon Henrickson, Dick Nichols, and others.

The minutes of the Planning Commission meeting of June 14, 1978, were approved as presented to the Commission.

Item No. 1: Request for a Minor Land Partition to create a lot containing 1.3 acres from a parcel containing 8.16 acres. This property is located on Highway 99-E and commonly known as the Vraves property. The applicant is Canby Enterprises, Inc. Commissioner Hulbert declared a conflict of interest and did not take part in the discussion or decision on this item. Consultant Rod Shoemaker made his presentation to the Commission with a recommendation for approval. Chairman Ross read a letter into the record from Canby Enterprises, which was signed by Dick Morse. Mr. Morse further stated that prior to this time a preliminary plat with septic tanks had been approved by the Commission, after which time the City Council asked that it be on sanitary sewer. They are in the process of providing sanitary sewers and tonight they are asking for the fastest and expedient way for a local business to move to this location. Tom Tye assured the Commission that this tax lot is the same size as lot 1 in the first preliminary plat. He further stated that Canby Enterprises has an agreement with the City to proceed with the sanitary sewer for Canby Park East. Discussion followed regarding the new sewer line to be extended to this property. The Chairman read the conditions placed on the first preliminary plat approval. \*Commissioner Kahut moved to approve the Minor Land Partition subject to a thirty (30) foot front yard setback, all staff reports, and to include requirements of the State of Oregon regarding improvements along Highway 99-E. The motion was seconded by Commissioner Cibula and passed unanimously.

Item No. 2: Request for approval of a preliminary subdivision to be called "Canby Park East." This property is described as Tax Lot 400, Sections 33 and 34, T3S, R1E. The applicant is Canby Enterprises, Inc. Presentation by Consultant Rod Shoemaker with a recommendation for an additional thirty (30) feet of right-of-way to be dedicated along S. Pine Street and thirty (30) feet be paved. Chairman Ross read Mr. Ferguson's letter to the Commission requesting the paving of thirty-nine (39) feet. Discussion followed regarding the amount of right-of-way needed. It was the concensus of the Commission that S. Pine Street was to be an arterial and that an eighty (80) foot right-of-way would be required. Mr. Ferguson further informed the Commission of the City Council action regarding the sewer line and lift station to be put in by the developers and further stated the City Council would want the street improved to thirty-nine (39) feet as they don't approve of half streets. Mr. Morse stated that if the subdivision is passed with the requested right-of-way, they could appeal the road width to the City Council. The City Attorney was asked if the city could require a one-year bond, and if the street is not put in in one year the city would put in the street with the money put in the bond. The City Attorney stated in his opinion this would not be a satisfactory arrangement. \*Commissioner Shaw moved the preliminary plat Phase I of "Canby Park

East" be approved subject to a thirty (30) foot setback on Highway 99-E; dedication of thirty (30) feet along S. Pine Street the length of Lot 1; paving of thirty-nine (39) feet west of the ten (10) foot curb; and all staff reports. The motion was seconded by Commissioner Kahut and passed unanimously.

Item No. 3: Request for a Conditional Use Permit for a day care/pre-school to be located at 1477 N. Manzanita Avenue. This day care/pre-school would accommodate up to fifty (50) students. The applicant is Neighborhood Assembly of God Church. Planning Consultant Rod Shoemaker gave his presentation to the Commission and made a recommendation for approval. Clinton Bordon, representing the church, handed out booklets with the church's goals for the day care/pre-school within it. (A copy of the booklet is within the file.) Mr. Bordon was asked if they would have a similar operation to that of the Baptist Church. He answered it would not be as the Baptist Church is a private school. He was also asked if bussing would be included and he answered in the negative. The day care-pre-school will be in operation from Monday thru Friday and the public is welcome, as it is not just for church members. He further stated some of the state regulations in regard to the playground which is included in the plot plan. He assured the Commission the church would be in contact with the Fire Marshal. He called for further proponents and there being none he called for opponents. None came forth. \*Commissioner Kahut moved to approve the request for a day care/pre-school for the Neighborhood Assembly of God Church subject to all staff reports. The motion was seconded by Commissioner Hulbert and passed unanimously.

Item No. 4: Request for a Zone Change from R-1, Single Family Residential, to R-2, Multi-Family Residential, on property located on the west end of S. W. 13th Avenue and described as Tax Lot 800, 900, 1000, and 1001, Section 4C, T4S, R1E, and Tax Lot 1000, Section 4B, T4S, R1E. The applicant is Marvin Dack. Commissioner Kahut stated that he owned adjacent property and asked the City Attorney if this would constitute a conflict of interest. He further stated he felt he could be impartial. The City Attorney asked Attorney Jon Hendrickson, representing Mr. Dack, if he had any objections to Commissioner Kahut taking part in the hearing. Mr. Hendrickson stated he felt no conflict of interest existed. The City Attorney was in agreement. Commissioner Shaw declared a conflict of interest and left his chair on the Commission. Planning Consultant Rod Shoemaker gave his presentation to the Commission and made a recommendation that this request be held in abeyance indefinitely based on the following facts: 1) This change will adversely impact the surrounding area as the change would result in an overall increase in the intensity of use e.g., increased traffic volume; 2) An alternative traffic route is necessary to facilitate adequate service for a medium density development at the subject site; 3) The Interim General Plan is presently being revised to create a Comprehensive Plan that may or may not show that public need at the present time is sufficient to require nearby land uses to bear the impact of the proposed change; and, 4) The proposed development would present a potential conflict with future circulation plans proposed in the Interim General Plan e.g., extension of S. W. 13th Avenue as an eighty (80) foot right-of-way arterial connecting with Highway 99-E. Mr. Jon Hendrickson, representing Marvin Dack, spoke to the Commission. Some of the highlights of his presentation were: By the ordinances in the City of Canby an applicant can limit himself to what he wants to do with his property.

This application is for a zone change to construct 167 or less multi-family units on the property as a Planned Unit Development. Limiting the project to 167 units as can be worked out with the city, as far as the traffic pattern is concerned. The Consultant's report indicates the impact to the traffic would be considerable - that is if the street is left just like it is. Not considering the zone change which the city requires through engineering and planning - you couldn't put the development in unless you did S. W. 13th Avenue with the improvements the Interim General Plan calls out. Schools - it is true that apartments, condominiums, townhouses have less of an impact per dwelling unit than a single family residence. They will guarantee that no more than one child per unit will be allowed in the development. That is an impact of about seventeen school-age children per year. They would like to have a strick adult community, but you can't do that. The next question to arise would be what if the property was sold - would the new owner be bound by that restriction? Yes - because in talking with Mr. Reif they have developed what is called "The Covenants of Restrictions" on the particular improvements. You can not have any more than you declare by deed and that will be done. Will not allow more than one child per unit in the development. They are declaring that what they propose is what they will do. They are not declaring because they want something that shouldn't happen. They are declaring because that is the rules. Mr. Dack has owned the property for several years. Mr. Dack is saying that he lives in the community, he wants to deisgn the entire project, and by declaration say that he wants to do nothing but benefit the community. The economic impact to commerce, non-detriment to the school system of Canby, providing for senior citizens and young people coming to Canby. This is what he wants to design and wants to do. Mr. Hendrickson stated these are not apartment buildings shown on the plan - these are fourplex design homes, side by side units, sculptured to the surrounding area, super attractive with adequate parking, and preserving every possible tree that is on the ground. He passed out photos taken on the site. (These are a part of the file.) Buffer zone from the cliff will be retained by declaration. The only significant impact to the city of Canby for this zone change for a maximum of 167 units, adults or one child only, preserving all the naturalness, increasing the street size in the extension, is nothing but a positive economic impact to the City of Canby. After a short discussion between the Commission and Mr. Hendrickson, the Chairman asked for further proponents. Mr. Lyle Reed - Likes the concept of limiting the project to 167 units. Also in favor of adult community - limiting to only one child per unit. Feels this is good plan because it is on the edge of the community. Mr. Norris Hart - Asked if the Planning Commission had made a study of the number of units that they expect Canby to need in housing in the next several years? Chairman Ross stated that the Interim Development Plan addressed itself to projected growth - a percentage of units for single family versus multi-family and believes it was about one-third. Would need to check back to confirm those figures. Mr. Hart went on to say that he feels with the limited amount of housing available in Canby it is a good idea and likes the idea of placing such a project on the edge of the city. John Stout - Is definitely for this project as it is a good area and a good plan and it will help the city. Andy DiTamaso - For the plan, mainly because of the need. There is a need in Canby for this type of housing. There being no further proponents, the Chairman asked for opponents. None came forth. The Chairman closed the public hearing. Chairman Ross asked Mr. Ferguson about the time frame on S. W. 13th Avenue as far as the City and County were concerned with improvements. Mr. Ferguson stated that 13th Avenue will be paved from S. Ivy Street to S. Elm Street this year for a width of thirty-six (36) feet. He further stated

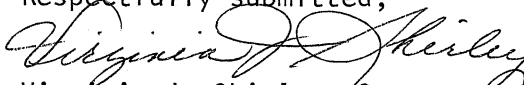
that only reasonable access to get to this property was via S. Ivy Street or S. Elm Street. Sewage treatment for a complex of this size will increase 4 percent of the city's treatment plant capacity. In an R-1 zone, the increase would be only 66 percent of what would be required by this project. He foresees no sewage problem, but some traffic problems. Commissioner Kahut reiterated the City Council's action on the zone change ordinance they had before them the prior week. \*Commissioner Cibula moved that the zone change with the voluntary inclusion of a Planned Unit Development not to exceed 167 dwelling units, subject to all the staff reports that we have be approved as it is not only in keeping with the Interim General Plan, sufficient need has been established, all nineteen L.C.D.C. goals have been established for the record, realizing that only fourteen really need apply, the absence of any negative response at the public hearing, the presence of only those people who are in support, and the reports that have been presented by the applicant's spokesman, and adoption of Mr. Hendrickson's statement of fact to show sufficient public need. The motion was seconded by Commissioner Cutsforth. During the discussion, Commissioner Kahut stated that figures show there is a definite need for multiple housing, but on the other hand we can say there is definite need for single family housing or low income housing or whatever. Personally feels there is alot of R-2 housing in Canby - this is a nice development but feels there is sufficient now. The question was called for and Commissioner Cibula and Cutsforth vote aye and Commissioners Hulbert and Kahut voted nay. In the case of a tie vote, it is up to the Chairman to vote. Chairman Ross voted in the affirmative for the following reasons: It is in conformity with the Interim Development Plan and as a realtor and being involved in the study involving the vacancy rate in the City of Canby, and being involved with the people coming through his front door asking for apartment rentals - feels the need is established. The motion carried three to two.

Item No. 5: Letter from Lois Larson requesting to change the southerly lot line by moving it to the north by five (5) feet. This is to preserve two trees on the south side of the pole portion of the flag lot created by the minor land partition. The Planning Consultant showed slides of the area in question. No recommendation was given. After a brief discussion regarding the length of the pole portion of this flag lot and the width of the pole portion of the lot, it was the concensus of the Commission that the property line could not be moved by five feet. Next the commission discussed the possibility of allowing only fifteen (15) feet of paving on all or a portion of the pole portion of the flag lot. \*Commissioner Shaw moved to approve paving of fifteen (15) feet of the pole portion of the flag lot for a distance of fifteen (15) feet of the pole portion of the flag lot for a distance of fifteen feet west of the second large tree. The motion died for lack of a second. More discussion followed regarding the close proximity of the dwellings on each side of the pole portion of this flag lot and the type of trees that are next to the roadway. \*Commissioner Shaw moved to approve fifteen feet of paving for the first fifty-eight (58) feet of the pole portion of the lot. The motion died for lack of a second. The Minor Land Partition will stand as originally approved.

There being no further business, the meeting adjourned at 11:30 p.m.

This meeting has been recorded on tape.

Respectfully submitted,

  
Virginia J. Shirley, Secretary  
Canby Planning Commission